

# Notice of Allowability

Application No.

09/400,865

Applicant(s)

CANINI ET AL.

Examiner

sang nguyen

Art Unit

2877

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/05/04.
2. ☒ The allowed claim(s) is/are 1-2, 9, 18, 23-24, and 31-64 which have been renumbered as indicate 1-40.
3. ☒ The drawings filed on 04 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

GREGORY J. TOATLEY, JR.  
PRIMARY EXAMINER

## DETAILED ACTION

### ***Allowable Subject Matter***

Claims 1-2, 9, 18, 23-24, and 31-64 are allowed.

Applicant's response to Request for Continued Examination (RCE) and Amendment to claims filed on 05/05/2004 has been entered. It is noted that the present application contains claims 1-2, 9, 18, 23-24 and 31-64 by Amendment filed on 05/05/04.

As to independent claims 1, 23, 24, 31, 53, 54, 59, 60, 61, 62, 63, and 64, the prior art of record, taken comprising all the specific elements with the specific combination including of an aiming device for visually indicating a reading zone having at least one illuminating active on a reading zone portion along an optical emission path, wherein the at least one illuminating assembly of the aiming device having a converging lens placed downstream of the diaphragm for collecting the shaped light coming from the diaphragm and projecting the shaped light onto the reading zone portion, thereby providing on the reading zone immediate visual feedback regarding the position of the shaped light relative to the reading zone, in combination with the rest of the limitations of claims 1, 23, 24, 31, 53, 54, 59, 60, 61, 62, 63, and 64.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2877

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Sang Nguyen whose telephone number (571)-272-2425. The Examiner can normally be reached on Monday through Friday From 9:30 AM to 6:30 PM.

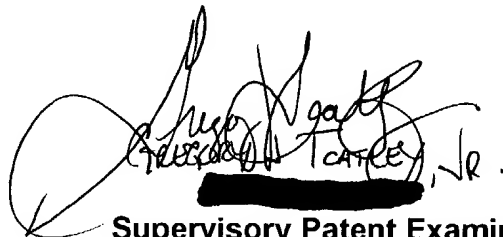
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Frank Font, can be reached on (571) 272-2415. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

SN

Nguyen/sn

July 06, 2004

A handwritten signature in black ink, appearing to read "Gregory J. Toatley, Jr.", with a large, stylized circular flourish to the left.

**Supervisory Patent Examiner  
Art Unit 2877  
Technology Center 2800**

GREGORY J. TOATLEY, JR.  
PRIMARY EXAMINER